



September 8, 2011

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95812



Comments To The Proposed Draft Small Municipal Separate Storm Sewer System (Small MS4) Storm Water General Permit

Dear Ms. Townsend:

The **San Diego County Office of Education Municipal Stormwater Group** is very appreciative that the Board has not automatically designated K-12 school districts and charter schools in the draft Small MS4 Storm Water General Permit. We believe the dramatic reductions in state funding over the last four years for K-12 school districts and charter schools and possible mid-year 2011-12 budget reductions set to be triggered if state revenues do not materialize as projected has created a chaotic planning scenario of conflicting requirements for public schools. We appreciate your Board's sensitivity to education's worsening fiscal situation.

118.1 → Requiring the implementation of the Small MS4 permit would create a funding and legal dilemma for our **San Diego County Office of Education Municipal Stormwater Group**. Every dollar spent to implement the Small MS4 permit would have to come from programs to educate children. There are no viable solutions when educational mandates and environmental mandates compete for dwindling funds, and when each mandate includes penalties or dramatic funding reductions if goals are not met.

Since our **San Diego County Office of Education Municipal Stormwater Group** may be designated in the future, we have the following concerns with the proposed permit:

118.2 → • **Cost to Implement:** Preliminary estimates of the cost to implement the permit have ranged from \$30,000 to \$50,000 for centralized district activities and \$5,000 to \$10,000 per school site during the first year of implementation (we are still determining on school site location, cleanliness, and proximity to protect bodies of water). Under these cost assumptions, the projected cost for a district with 11 schools is estimated to be \$85,000 to \$160,000. These costs do not include any provision for structural costs for water storage or filtration.



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We would like the permit to include more in depth discussion of costs with an estimate of costs to implement the permit in the first year and subsequent years.

- 118.2** → • **Permit Applicability:** The Small MS4 permit is written for implementation by a county or city agency and is not easily adaptable to school district governance. It requires a school district to create legal authority to meet the requirements of the permit. Certify through its ranking elected official or authorized representative to implement and enforce the permit requirements. The plan must establish citations, fines, stop work orders, and other additional measures to enforce the requirements of the permit. Many of these requirements are not practical for a school district or charter school because of the funding source, e.g. school districts provide funding for their schools, therefore, fining a school for non-compliance is the same as fining the school district because the district would provide the funds to pay the fine.

We would like the opportunity to work with Board staff to develop permit requirements in future permits that are more applicable to school district governance.

The **San Diego County Office of Education Municipal Stormwater Group** is strongly committed to the protection of the natural environment and water quality. We truly believe we must work together. Your role is to protect the environment and our role is to prepare the young people who will live in it. Students that do not succeed in K-12 schools generally will not reach their full potential as adults and can become a burden on society rather than a contributing member. Student success at the K-12 levels is generally carried forward in success in college and ultimately as a contributing member of society.

The **San Diego County Office of Education Municipal Stormwater Group** would like to thank you for your consideration of our fiscal situation, and requests that you consider our comments. Questions regarding this letter should be made to **Joanne Branch, SDCOE Municipal Group Manager at (619) 929-6334.**

Sincerely,

Joanne Branch
SDCOE Municipal Stormwater Group Manager

cc: Mr. Charles R. Hoppin, Chair, SWRCB
Ms. Frances Spivy-Weber, Vice Chair, SWRCB
Ms. Tam M. Doduc, Member, SWRCB
Ms. Joanne Branch, San Diego County Office of Education
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